

REMARKS

Applicants have carefully reviewed the Office Action dated July 11, 2003. Claim 1 has been amended. Reconsideration and favorable action is respectfully requested.

Claims 1-6 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Hudetz et al.* in view of *Call*. This rejection is respectfully traversed with respect to the amended claims. Applicants have amended Claim 1, the independent claim, to further clarify that the instructional code that is forwarded to the user location is instructional code that is operable to, when received at the user location, connect the user location to the desired location. The step of connecting is done under the control of the intermediate node and not by a user at the location or any action at the user location; rather, the mere operation of transmitting the instructional code to the user location results in connection to a desired location being made. The user cannot prevent this from happening or control when it happens nor can any action at the user location prevent such connection.

Both *Hudetz* and *Call* provide the ability to scan a bar code and transmit this bar code to a location to determine one or more network location addresses that are associated therewith. These are returned to the user location and then the user location can utilize this information to either connect to the indicated locations or other functions. However, the user merely uses the scanned code to retrieve from the intermediate node or the relational data base at the intermediate node the information. What the user does with it is a function of actions taken at the user location. As such, there is absolutely no control of the connection that is in any way effected by the intermediate node. As such, a manufacturer that would dispose codes at an intermediate node would have no control over whether that connection was made. Take, for example, the situation where a distributor would distribute a scanner and associated software that would require the scanning operation to go to a particular intermediate node. The reason for this is that the operator of the intermediate node and the distributor of the software would want to control not only where the user would be connected but also ensure that the user is connected. If the operator of the intermediate node were to sell an advertiser on the fact that scanning of a code would

AMENDMENT AND RESPONSE

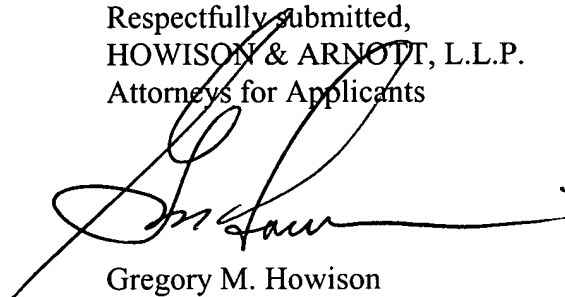
S/N 09/382,375

Atty. Dkt. No. PHL-24,745

result in the user being connected to a particular location merely by the act of scanning, then the intermediate node could guarantee that the transmission of the URL from the intermediate node to the user location would result in a connection being made. This is not the case with respect to *Hudetz* and *Call* or the combination thereof, as there is no provision for an operator of an intermediate node to have any knowledge or control of whether the connection was actually made. As such, Applicants believe that this item is missing in the combination of *Hudetz* and *Call*, and is neither suggested nor described in either *Hudetz* or *Call*. As such, Applicants respectfully request withdrawal of 35 U.S.C. §103 rejection with respect to the amended claims.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,745 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
HOWISON & ARNOTT, L.L.P.
Attorneys for Applicants



Gregory M. Howison
Registration No. 30,646

GMH:yoc

P.O. Box 741715
Dallas, Texas 75374-1715
Tel: 972-479-0462
Fax: 972-479-0464
January 12, 2004

AMENDMENT AND RESPONSE
S/N 09/382,375
Atty. Dkt. No. PHLY-24,745